



Attorney Docket No. 404332000200

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C. Wilson
C. Wilson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Kent L. GILSON

Serial No.: 09/747,602

Filing Date: December 22, 2000

For: VIVA

Group Art Unit: To Be Assigned

Examiner: To Be Assigned

**TRANSMITTAL LETTER FOR PETITION UNDER 37 CFR 1.53(e)
TO SHOW RECEIPT OF ITEM IN RESPONSE TO NOTICE OF
INCOMPLETE NONPROVISIONAL APPLICATION**

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In complete response to the Notice of Incomplete Nonprovisional Application

Under 37 C.F.R. § 1.53(b) dated March 7, 2001, attached please find:

- ☒ Fee Transmittal for 2001 (1 page);
- ☒ Copy of Notice of Incomplete Nonprovisional Application sent to Applicant in the above-referenced patent application on March 7, 2001 (2 pages);
- ☒ Declaration signed by the inventor (2 pages);
- ☒ Petition Under 37 CFR 1.53(e) to Show Receipt of Item in Response to Notice of Incomplete Nonprovisional Application (4 pages);

- ☒ Declaration of Stephen C. Durant in Support of Petition Under 37 CFR 1.53(e) to Show Receipt of Item in Response to Notice of Incomplete Nonprovisional Application and accompanying Exhibit 1 (copy of Express Mail Receipt for USSN 09/747,602), and Exhibit 2 (copy of Express Mail Receipt for U.S. Provisional No. 60/258,112); (5 pages);
- ☒ Declaration of Donalyn Pryor in Support of Petition Under 37 CFR 1.53(e) to Show Receipt of Item in Response to Notice of Incomplete Nonprovisional Application (3 pages);
- ☒ Declaration of Charmayne Wilson in Support of Petition Under 37 CFR 1.53(e) to Show Receipt of Item in Response to Notice of Incomplete Nonprovisional Application (3 pages);
- ☒ Copy of Postcard dated December 22, 2000, copy of Returned Express Mail Receipt dated December 22, 2001, copy of Check No. 5112300, copy of Utility Patent Application Transmittal, and Specification (148 pages);
- ☒ Return Receipt Postcard.
- ☒ The Assistant Commissioner is hereby **authorized to charge \$195.00** (\$130.00 petition fee and \$65.00 surcharge fee) and any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to **Deposit Account No. 03-1952** referencing docket no. 404332000200.

Dated: May 7, 2001

Respectfully submitted,

By: 

Stephen C. Durant

Registration No. 31,506

Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-6982
Facsimile: (415) 268-7522



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/747,602	12/22/2000	Kent Gilson	404332000200

CONFIRMATION NO. 8247

FORMALITIES LETTER



OC000000005834576

Stephen C. Durant
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105-2482

Date Mailed: 03/07/2001

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The specification is missing.
- The specification does not include at least one claim.

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above. The items noted below must be filed no later than **TWO MONTHS FROM THE FILING DATE ACCORDED THIS APPLICATION**.

- The oath or declaration is unsigned.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

09747602

031952

05/17/2001 MGEEREN1 00000006

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PART 2 - COPY TO BE RETURNED WITH RESPONSE

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EL552914563US

DOCKETING

COPY



Attorney Docket: 404332000200

Mailing Date: December 22, 2000

Inventor(s): Kent GILSON

Express Mail No: EL552914563US

Title: VIVA

Papers Enclosed:

- ☒ Certificate of Express Mail
- ☒ Application Transmittal Letter (2 Pages)
- ☒ Specification (143 Pages)
- ☒ Claims (1 Page)
- ☒ Drawings (99 Sheets)
- ☒ Declaration - Unsigned (2 Pages)
- ☒ Verified Statement Claim Small Entity Status - Unsigned (1 Page)
- ☒ Filing Fee in the amount of \$355.00
- ☒ This Return Receipt Postcard

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sf-1015386

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COPY

Attorney Docket: 404332000200

Mailing Date: December 22, 2000

Inventor(s): Kent GILSON

Express Mail No: EL552914563US

Title: VIVA

Papers Enclosed:

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- ☒ This Return Receipt Postcard

Jc612 U.S. PTO
09/747602
12/22/00

SCD2/cxy34
sf-1015386

RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

PTO/SB/05 (12/97) (modified)

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Please type a plus sign (+) inside this box → ☒UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

404332000200

Total Pages

245

First Named Inventor or Application Identifier

Kent L. GILSON

Express Mail Label No.

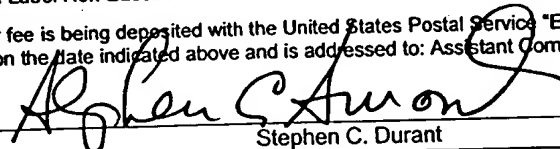
EL552914563US

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL552914563US

Date of Deposit: December 22, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.



Stephen C. Durant

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

 Assistant Commissioner for Patents
 Box Patent Application
 Washington, DC 20231

1. ☒ Fee Transmittal Form
(Submit an original, and a duplicate for fee processing)
Specification [Total Pages 143]
2. ☒ (preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) [Total Sheets 99]
4. ☒ Oath or Declaration (unsigned) [Total Pages 2]
 a. ☐ Newly executed (original or copy)
 b. ☐ Copy from a prior application (37 CFR 1.63(d)
(for continuation/divisional with Box 17 completed)
(Note Box 5 below)
 i. ☐ DELETION OF INVENTOR(S)
 Signed statement attached deleting inventor(s) named
 in the prior application, see 37 CFR 1.63(d)(2) and
 1.33(b)
5. ☐ Incorporation By Reference (useable if Box 4b is checked)
 The entire disclosure of the prior application, from which a copy of
 the oath or declaration is supplied under Box 4b, is considered as
 being part of the disclosure of the accompanying application and is
 hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 a. ☐ Computer Readable Copy
 b. ☐ Paper Copy (identical to computer copy)
 c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
14. ☒ Small Entity Statement(s) ☐ Statement filed in prior application, Status still proper and desired
(unsigned) [1 Page]
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: _____

18. CORRESPONDENCE ADDRESS

 Stephen C. Durant
 Registration No. 31,506

 Morrison & Foerster LLP
 425 Market Street
 San Francisco, California 94105-2482
 Telephone: (415) 268-6062
 Facsimile: (415) 268-7522

- ☒ If a paper is untimely filed in the above-referenced application, / applicant or his/her representative, the Assistant Commissioner is hereby petitioned under 37 C.F.R. § 1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Assistant Commissioner is hereby requested to charge any fee required under 37 C.F.R. § 1.17(a)-(d) to **Deposit Account No. 03-1952**. However, the Assistant Commissioner is **NOT** authorized to charge the cost of the issue fee to the Deposit Account.

The filing fee has been calculated as follows:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS	1 - 20 =	0	x \$18.00	\$0
INDEPENDENT CLAIMS	1 - 3 =	0	x \$80.00	\$0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$0
			BASIC FEE	\$710.00
TOTAL OF ABOVE CALCULATIONS =				\$710.00
Reduction by 1/2 for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28). If applicable, verified statement must be attached.				\$355.00
Assignment Recording Fee (if enclosed)				\$0.00
TOTAL =				\$355.00

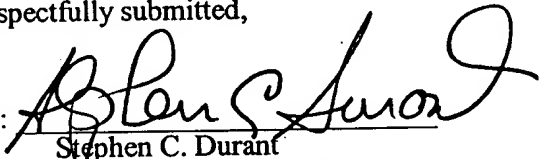
- ☒ A check in the amount of \$355.00 is attached.
- ☐ Charge \$355.00 to **Deposit Account No. 03-1952** referencing docket no. 404332000200.

Applicant(s) hereby petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees or to credit any overpayment to **Deposit Account No. 03-1952** referencing docket no. 404332000200.

Dated: December 22, 2000

Respectfully submitted,

By:


Stephen C. Durant
Registration No. 31,506

Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-6982
Facsimile: (415) 268-7522



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PTO/08/17 (03-01)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL FOR FY 2001

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/747,602
Filing Date	December 22, 2000
First Named Inventor	Kent L. GILSON
Examiner Name	To Be Assigned
Group Art Unit	To Be Assigned

TOTAL AMOUNT OF PAYMENT

(\$195.00

Attorney Docket No. 404332000200

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 03-1952

Deposit Account Name Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) \$

2. EXTRA CLAIM FEES

Total Claims	20	- 20 =	Extra Claims	0	x	Fee from below	=	Fee Paid
Independent Claims	3	- 3 =	0	x				\$0.00

Multiple Dependent = \$0.00

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claims, if not paid	
109	80	209	40	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) \$

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	\$65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	\$130.00
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid \$195.00

SUBTOTAL (3) (\$195.00

SUBMITTED BY

Name (Print/Type) Stephen C. Durant

Registration No. 31,506

Complete (if applicable)

Telephone (415) 268-7000

Signature

Stephen C. Durant

Date May 7, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.